

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/101,846      | 07/17/98    | FINZEL               | L P-981197          |

09/101,846 07/17/98 FINZEL

L P-981197

MM42/1129

EXAMINER

HENRY, J

ART UNIT

PAPER NUMBER

2872

12

DATE MAILED: 11/29/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademark

**BEST AVAILABLE COPY**

|                              |                                      |  |
|------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br><b>09/101,846</b> | Applicant(s)<br><b>Lothar Finzel et al</b> |
|                              | Examiner<br><b>Jon W. Henry</b>      | Group Art Unit<br><b>2872</b>              |

Responsive to communication(s) filed on Jul 17, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire ONE (1) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-47, 49, 50, 52-54, and 56-71 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) \_\_\_\_\_ is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims 1-47, 49, 50, 52-54, and 56-71 are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2872

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-47, 50, and 56-68, drawn to an optical-fibre transmission system with sealing connections.

Group II, claim(s) 69, drawn to a method for producing sealtight splice connections with various attaching, pushing, splicing, and shifting steps.

Group III, claim(s) 52-54 and 70, drawn to a method of connecting a microcable comprising a pipe with lead-in optical waveguides with various leading, splicing, passing, and joining steps.

Group IV, claim(s) 71, drawn to a method of connecting an optical-fibre transmission system comprising a cable closure and at least one microcable comprising a pipe with lead-in optical fibres with various providing, splicing, placing, leading, and splicing again steps.

2. The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: it appears the special technical features related to

Art Unit: 2872

of numerous separate details being present between all of the claims which further indicate that the processes claimed are not specially adapted for the manufacture of the products claimed but relate to patentably distinct inventions.

3. If Group I is elected, the following election of species requirement applies:

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows, related to different types of sealing connections: (a) claim 1; (b) claim 2, (c) claim 3.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

4. To assist applicant in electing a single invention and providing a listing of claims readable on the elected invention, the following information is provided: (I) claims 48, 51, and 55 have

Art Unit: 2872

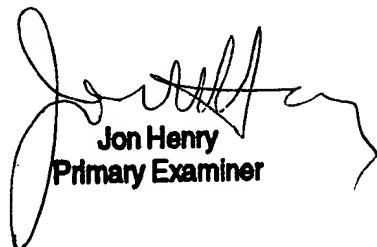
been canceled; (ii) claims 1, 14, 16-24, 29-34 and 37, as well as claims 25, 28 and 31, appear to read on species (a); (iii) claims 2, 39 and 50, as well as claim 26, appear to read on species (b); (iv) claims 3, 15, 35, 36, and 38, as well as claims 27 and 40-47 appear to read on species (c). However, applicant should carefully review the claims to assure that all claims examinable consistent with the Group and species elected are pointed out to the examiner.

5. It appears no claims are generic.
6. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the "improvements" of the Jepson claim species define different sealing connections that appear to define the special technical features of those claimed inventions.
7. A telephone call was not made to applicant's representative to request an oral election to the above restriction requirement because of the complexity of the lack of unity requirement. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined (one of Group I-IV and, if Group I is elected, one of species (a), (b), or (c)) even though the requirement be traversed (37 CFR 1.143).
8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any

Art Unit: 2872

amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon W. Henry whose telephone number is (703) 305-6106.



Jon Henry  
Primary Examiner

jwh

November 23, 1999